

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSE VILLEGAS, on behalf of
himself and all other persons
similarly situated,

Plaintiff,

- against -

2645 MEAT CORP. d/b/a ASSOCIATED
SUPERMARKET and ANTHONY FERNANDEZ,

Defendants.

JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

16 Civ. 9111 (JCF)

MEMORANDUM
AND ORDER

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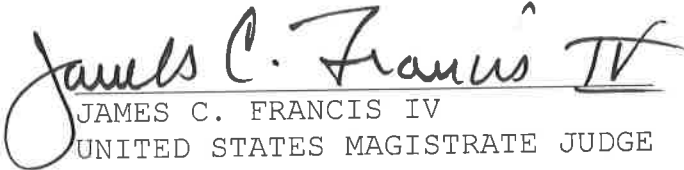
Pursuant to the resolution of this Fair Labor Standards Act case, the defendants were obligated to pay the plaintiff a total of \$33,500.00 over seven installments, the first of which, in the amount of \$5,000.00, was due thirty days after the Effective Date of the Settlement Agreement. (Settlement Agreement and Release dated May 24, 2017 ("Settlement Agreement"), attached as Exh. A to Letter of David Stein dated June 28, 2017, ¶ 1(a), (c)). The Effective Date is defined as the date upon which the Court provides notice that it has approved the settlement and entered the order of dismissal (Settlement Agreement, ¶ 3), in this case, June 29, 2017. Accordingly, the first payment was due on July 29, 2017. No payment was ever made, even after plaintiff's counsel had provided the required notice and the cure period had passed. (Letter of David Stein dated Aug. 9, 2017 "Stein 8/9/17 Letter) &

Exh. A; Settlement Agreement, ¶ 9(b)).

The plaintiff has now submitted a letter motion seeking enforcement of the Settlement Agreement, which provides that, in the event of a default, judgment may be entered for \$67,000.00, less any payments already made. (Stein 8/9/17 Letter; Settlement Agreement, ¶ 9(b)(1.1)). I set a schedule for briefing the plaintiff's motion, but defendants' counsel filed a letter indicating that his clients had not responded to his communications, and thus no opposition papers would be submitted. (Letter of Gregory S. Lisi dated Sept. 1, 2017).

The plaintiff's motion (Docket no. 24) is therefore granted. The Clerk of Court is respectfully directed to enter judgment in favor of the plaintiff and against the defendants, jointly and severally, in the sum of \$67,000.00.

SO ORDERED.


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
September 12, 2017

Copies transmitted this date:

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